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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RAYMOND DOUGLAS,)	Case No.
)	
Plaintiff,)	NOTICE OF REMOVAL OF CIVIL ACTION
)	FEDERAL DEFENDANT
v.)	
)	
SACRAMENTO JOB CORPS CENTER,)	
)	
Defendant.)	
)	
)	

TO THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF CALIFORNIA:

PLEASE TAKE NOTICE that the above-captioned action is hereby removed from California State Court to the United States District Court pursuant to 28 U.S.C. § 1442, 28 U.S.C. § 2679(d)(2), and 28 U.S.C. § 1441(a).

Defendant Sacramento Job Corps Center ("Federal Defendant"), through the undersigned attorney, respectfully states that:

1. Federal Defendant is named in a civil action now pending in the Sacramento County Superior Court of California entitled *Raymond Douglas v Sacramento Job Corps Center*, Civil Case No. 34-2016-00205550-CL-PO GDS. A copy of pro se Plaintiff Raymond Douglas's Second Amended Civil Complaint for Damages and Relief is attached hereto as Exhibit 1.

2. Federal Defendant has not been served with the complaint.

3. This state court action may be removed pursuant to 28 U.S.C. § 1442(a) and 28 U.S.C. § 2679(d)(2) and 28 U.S.C. § 1441(a) for the following reasons:

(a) Federal Defendant is a United States agency.

(b) Sovereign immunity protects federal agencies from civil suits absent an express waiver of that immunity, and no such waiver allows Plaintiff's suit. *See Pink v. Modoc Indian Health Project, Inc.*, 157 F.3d 1185, 1188 (9th Cir. 1998) ("Federal agencies cannot be sued eo nomine unless so authorized by Congress in explicit language.").

(c) The complaint alleges negligence by Federal Defendant, and the only way that Plaintiff could bring such a claim would be under the Federal Tort Claims Act as a claim against the United States. *See F.D.I.C. v. Craft*, 157 F.3d 697, 706 (9th Cir. 1998) ("The FTCA is the exclusive remedy for tortious conduct by the United States, and it only allows claims against the United States. Although such claims can arise from the acts or omissions of United States agencies (28 U.S.C. § 2671), an agency itself cannot be sued under the FTCA.").

(d) The Court therefore has original jurisdiction over this action under 28 U.S.C. § 1346(b)(1), and the United States is entitled to remove it to this Court pursuant to 28 U.S.C. § 2679(d)(2) and 28 U.S.C. § 1441(a).

(e) The state court has not held a trial in this action. *See* 28 U.S.C. § 2679(d)(2) (Attorney General may remove an FTCA action at any time before trial).

WHEREFORE, Federal Defendant hereby removes the above-described state court action from Sacramento County Superior Court of California to this Court.

Respectfully submitted,

Dated: December 10, 2021

PHILLIP A. TALBERT
ACTING UNITED STATES ATTORNEY

/s/ Victoria L. Boesch
VICTORIA L. BOESCH
Assistant United States Attorney
Attorney for the United States

CERTIFICATE OF SERVICE BY U.S. MAIL & EMAIL

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Eastern District of California and is a person of such age and discretion to be competent to serve papers:

That on December 10, 2021, she served a copy of:

NOTICE OF REMOVAL OF

CIVIL ACTION BY FEDERAL DEFENDANT; CIVIL COVER SHEET

by placing said copy in a postpaid envelope addressed to the person(s) hereinafter named, at the place(s) and address(es) stated below, which is/are the last known address(es), and by depositing said envelope and its contents in the United States Mail at Sacramento, California and by sending it via email to the email address below.

Raymond Douglas
General Delivery
Sacramento, CA 95812
RaymonDouglas@outlook.com

/s/ Suzanne Robertson
Suzanne Robertson